?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 09.05.2019
*CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
+W.P.(MD)Nos.11842 of 2019
11873, 11875 & 11880 of 2019

W.P.(MD)No.11842 of 2019

#Ranjeet Raja
Singh Uthamasingh ... Petitioner
Vs.

$1. The Deputy Tahsildar,
Thiruchendur,
Thoothukudi District.

2. The Revenue Transport Authority,
Thiruchendur,
Thoothukudi District.

3. The Inspector of Police,
Meignapuram Police Station,
Thoothukudi District. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner-s vehicle Ashok Leyland Limited bearing Registration No.TN 92~C~ 8492.

W.P.(MD)Nos.11873, 11875 & 11880 of 2019

Raja Punitha ... Petitioner in
W.P.(MD)No.11873 of 2019
Sugantha Raja Thangapandian ... Petitioner in
W.P.(MD)No.11875 of 2019
Selwyn Raviraja Arunachalam ... Petitioner in
W.P.(MD)No.11880 of 2019

Vs.

1. The Deputy Tahsildar,
Thiruchendur,
Thoothukudi District.

2. The Assistant Director,
Mines and Minerals, Thiruchendur,
Thoothukudi District.

3. The Inspector of Police,
Meignapuram Police Station,

Thoothukudi District. ... Respondents

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioners- vehicles Ashok Leyland Limited bearing Registration Nos.TN 92 C 8031, TN 92 C 8058 Tipper(White) and TN 92 C 9616 Tipper(White).

(in all W.Ps.)

!For Petitioner : Mr.G.Pradeep Dhinakaran

^For Respondents : Mr.J.Gunaseelan Muthaiah,
Additional Government Pleader.
:Common Order

The petition mentioned vehicles belonged to the respective Writ petitioners. They were all seized on 25.04.2019. They are presently lying in the custody of the third respondent. The third respondent has registered Crime No.45 of 2019 under Section 379 of I.P.C. But the First Information Report has been registered on 02.05.2019. Seeking release of the vehicles, these Writ petitions have been filed.

2. The learned counsel appearing for the Writ petitioners pointed out that the Tahsildar, Sathankulam, had issued proceedings permitting removal of minerals from one Pettaikulam and for taking it to Sathankulam Village. The Writ petitioners- case is that the minerals were being transported from Pettaikulam, the third respondent intercepted the vehicles and seized the same.

3. The learned Additional Government Pleader however pointed out that the petitioner had permission only to transport the minerals from Pettaikulam to a place within Sathankulam Taluk. According to the learned Additional Government Pleader, the place where the vehicles were seized fall within Thiruchendur Taluk. He therefore contended that the permission granted by the Tahsildar, Sathankulam, has been breached and therefore the case on hand should be treated as one of illegal transportation of sand.

4. I carefully considered the rival contentions.

5. It is not in dispute that the proceedings have been issued by the Tahsildar, Sathankulam, granting permission to remove the minerals from Sathankulam. It is also not in dispute that even though the seizure was made on 25.04.2019, the First Information Report itself came to be registered only on 02.05.2019. There is no explanation whatsoever for the delay in registering the First Information Reports. It is also seen that the place of seizure and the eventual destination are rather proximately situated. The petitioners- counsel would point out that these being villages, the vehicles cannot go through narrow roads and therefore, they will have to take a detour. He would stongly contend that the permission issued by the Tahsildar,

Sathankulam, has not really been breached. In view of the fact that the petitioners are having the proceedings of the Tahsildar, Sathankulam, to sustain their claim, I am of the view that in matters such as this, there can be a departure from the usual approach of imposing conditions.

6. In this view of the matter, the third respondent is directed to release the petition mentioned vehicles, forthwith to the respective petitioners.
7. These Writ petitions stand allowed. No costs.

Note : Issue order copy on 09.05.2019

To

1. The Deputy Tahsildar,
Thiruchendur,
Thoothukudi District.

2. The Revenue Transport Authority,
Thiruchendur,
Thoothukudi District.

3. The Inspector of Police,
Meignapuram Police Station,
Thoothukudi District.

4. The Assistant Director,
Mines and Minerals, Thiruchendur,
Thoothukudi District.